

Senate Bill 868

Sponsored by Senator MANNING JR

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits placing official ballot drop site on private property unless governing body of county follows specified procedure and Secretary of State determines placement on private property is necessary.

A BILL FOR AN ACT

1
2 Relating to locations of ballot drop sites; creating new provisions; and amending ORS 254.470.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 254.**

5 **SECTION 2. (1) Except as provided under this section, an official ballot drop site may not**
6 **be located on private property.**

7 **(2) If the governing body of a county determines that it is necessary, the governing body**
8 **may by majority vote decide apply to the Secretary of State for permission to place an offi-**
9 **cial ballot drop site on private property. A vote may be taken under this subsection only af-**
10 **ter the governing body has held a public hearing on the issue.**

11 **(3)(a) Upon receiving a request for permission to place an official ballot drop site on pri-**
12 **ivate property, the secretary shall hold a public hearing and take testimony on whether to**
13 **grant permission.**

14 **(b) The secretary may only permit an official ballot drop site to be placed on private**
15 **property if the secretary determines that there are no practical alternatives for placement**
16 **of the official ballot drop site.**

17 **(4) The secretary may adopt rules necessary to implement this section.**

18 **SECTION 3. ORS 254.470, as amended by section 4, chapter 70, Oregon Laws 2018, is amended**
19 **to read:**

20 254.470. (1) The Secretary of State by rule shall establish requirements and criteria for the
21 designation of places of deposit for the ballots cast in an election. **The rules shall incorporate the**
22 **requirements set forth in section 2 of this 2019 Act.** The rules shall also specify the dates and
23 times the places of deposit must be open and the security requirements for the places of deposit.
24 At a minimum, the places designated under this section shall be open on the date of the election for
25 a period of eight or more hours, but must be open until at least 8 p.m. At each place of deposit
26 designated under this section, the county clerk shall prominently display a sign stating that the lo-
27 cation is an official ballot drop site.

28 (2)(a) Except as provided in paragraphs (b) and (c) of this subsection, the county clerk shall mail
29 by nonforwardable mail an official ballot with a return identification envelope and a secrecy envel-
30 ope not sooner than the 20th day before the date of an election and not later than the 14th day
31 before the date of the election, to each active elector of the electoral district as of the 21st day

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 before the date of the election.

2 (b) If the county clerk determines that an active elector of the electoral district as of the 21st
 3 day before the date of the election does not receive daily mail service from the United States Postal
 4 Service, the county clerk shall mail by nonforwardable mail an official ballot with a return iden-
 5 tification envelope and a secrecy envelope to the elector not sooner than the 20th day before the
 6 date of an election and not later than the 18th day before the date of the election.

7 (c) In the case of ballots to be mailed to addresses outside this state to electors who are not
 8 military or overseas electors, the county clerk may mail the ballots not sooner than the 29th day
 9 before the date of the election.

10 (3) For an election held on the date of a primary election:

11 (a) The county clerk shall mail the official ballot of a major political party to each elector who
 12 is registered as being affiliated with the major political party as of the 21st day before the date of
 13 the election.

14 (b) The county clerk shall mail the official ballot of a major political party to an elector not
 15 affiliated with any political party if the elector has applied for the ballot as provided in this sub-
 16 section and that party has provided under ORS 254.365 for a primary election that admits electors
 17 not affiliated with any political party.

18 (c) An elector not affiliated with any political party who wishes to vote in the primary election
 19 of a major political party shall apply to the county clerk in writing. The application must be com-
 20 pleted, signed and submitted by the elector electronically, in person or by mail, in a manner deter-
 21 mined by the secretary by rule and must indicate which major political party ballot the elector
 22 wishes to receive. Except for electors described in subsection (4) of this section, and subject to ORS
 23 247.203, the application must be received by the county clerk not later than 5 p.m. of the 21st day
 24 before the date of the election.

25 (d) If the primary election ballot includes city, county or nonpartisan offices or measures, the
 26 county clerk shall mail to each elector who is not eligible to vote for party candidates a ballot
 27 limited to those offices and measures for which the elector is eligible to vote.

28 (4) For each elector who updates a voter registration after the deadline in ORS 247.025, the
 29 county clerk shall make the official ballot, the return identification envelope and the secrecy en-
 30 velope available either by mail or at the county clerk's office or at another place designated by the
 31 county clerk. An elector to whom this subsection applies must request a ballot from the county
 32 clerk.

33 (5) The ballot shall contain the following warning:

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 36 Any person who, by use of force or other means, unduly influences an elector to vote in any
 37 particular manner or to refrain from voting is subject to a fine.

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 40 (6)(a) Upon receipt of any ballot described in this section, the elector shall mark the ballot, sign
 41 the return identification envelope supplied with the ballot and comply with the instructions provided
 42 with the ballot.

43 (b) The elector may return the marked ballot to the county clerk by United States mail or by
 44 depositing the ballot at the office of the county clerk, at any place of deposit designated by the
 45 county clerk or at any location described in ORS 254.472 or 254.474.

1 (c) The ballot must be returned in the return identification envelope. If the elector returns the
 2 ballot by mail, the elector must provide the postage.

3 (d) Subject to paragraph (e) of this subsection, if a person returns a ballot for an elector, the
 4 person shall deposit the ballot in a manner described in paragraph (b) of this subsection not later
 5 than two days after receiving the ballot.

6 (e) A ballot must be received at the office of the county clerk, at the designated place of deposit
 7 or at any location described in ORS 254.472 or 254.474 not later than the end of the period deter-
 8 mined under subsection (1) of this section on the date of the election.

9 (7) An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not
 10 received by the elector. Replacement ballots shall be issued and processed as described in this
 11 section and ORS 254.480. The county clerk shall keep a record of each replacement ballot provided
 12 under this subsection. Notwithstanding any deadline for mailing ballots in subsection (2) of this
 13 section, a replacement ballot may be mailed, made available in the office of the county clerk or made
 14 available at one central location in the electoral district in which the election is conducted. The
 15 county clerk shall designate the central location. A replacement ballot need not be mailed after the
 16 fifth day before the date of the election.

17 (8) A ballot shall be counted only if:

18 (a) It is returned in the return identification envelope;

19 (b) The envelope is signed by the elector to whom the ballot is issued, unless a certified state-
 20 ment is submitted under ORS 254.431; and

21 (c) The signature is verified as provided in subsection (9) of this section.

22 (9) The county clerk shall verify the signature of each elector on the return identification en-
 23 velope with the signature on the elector's registration record, according to the procedure provided
 24 by rules adopted by the Secretary of State. If the county clerk determines that an elector to whom
 25 a replacement ballot has been issued has voted more than once, the county clerk shall count only
 26 one ballot cast by that elector.

27 (10) At 8 p.m. on election day, electors who are at the county clerk's office, a place of deposit
 28 designated under subsection (1) of this section or any location described in ORS 254.472 or 254.474
 29 and who are in line waiting to vote or deposit a voted ballot shall be considered to have begun the
 30 act of voting.

31 **SECTION 4. Section 2 of this 2019 Act and the amendments to ORS 254.470 by section 3**
 32 **of this 2019 Act apply to the establishment of official ballot drop site locations that are made**
 33 **on or after the effective date of this 2019 Act.**

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